

et seq.] shall limit the application or scope of any law establishing criminal or civil penalties, including any Executive order or regulation promulgated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

(1) a foreign organization, group, or person designated pursuant to Executive Order No. 12947 of January 23, 1995, as amended;

(2) a Foreign Terrorist Organization pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132);

(3) a foreign organization, group, or person designated pursuant to Executive Order No. 13224 (September 23, 2001);

(4) any narcotics trafficking entity designated pursuant to Executive Order No. 12978 (October 21, 1995) or the Foreign Narcotics Kingpin Designation Act (Public Law 106-120) [21 U.S.C. § 1901 et seq.]; or

(5) any foreign organization, group, or persons subject to any restriction for its involvement in weapons of mass destruction or missile proliferation.

(Pub. L. 107-56, title II, § 221(b), Oct. 26, 2001, 115 Stat. 292.)

#### REFERENCES IN TEXT

The Trade Sanctions Reform and Export Enhancement Act of 2000, referred to in text, is section 1(a) [title IX] of Pub. L. 106-387, Oct. 28, 2000, 114 Stat. 1549, 1549A-67, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7201 of this title and Tables.

Executive Order No. 12947, referred to in par. (1), is set out as a note under section 1701 of Title 50, War and National Defense.

The Antiterrorism and Effective Death Penalty Act of 1996, referred to in par. (2), is Pub. L. 104-132, Apr. 24, 1996, 110 Stat. 1214, as amended. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 1 of Title 18, Crimes and Criminal Procedure, and Tables.

Executive Order No. 13224, referred to in par. (3), is set out as a note under section 1701 of Title 50, War and National Defense.

Executive Order No. 12978, referred to in par. (4), is set out as a note under section 1701 of Title 50, War and National Defense.

The Foreign Narcotics Kingpin Designation Act, referred to in par. (4), is title VIII of Pub. L. 106-120, Dec. 3, 1999, 113 Stat. 1626, as amended, which is classified principally to chapter 24 (§ 1901 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 21 and Tables.

#### CODIFICATION

Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, and not as part of the Trade Sanctions Reform and Export Enhancement Act of 2000 which comprises this chapter.

#### § 7211. Technical clarification relating to provision of material support to terrorism

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106-387) [22 U.S.C. § 7201 et seq.] shall be construed to limit or otherwise affect section 2339A or 2339B of title 18.

(Pub. L. 107-56, title VIII, § 807, Oct. 26, 2001, 115 Stat. 378.)

#### REFERENCES IN TEXT

The Trade Sanctions Reform and Export Enhancement Act of 2000, referred to in text, is section 1(a) [title IX] of Pub. L. 106-387, Oct. 28, 2000, 114 Stat. 1549, 1549A-67, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7201 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, and not as part of the Trade Sanctions Reform and Export Enhancement Act of 2000 which comprises this chapter.

### CHAPTER 80—DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE (DTS-PO)

Sec.	
7301.	Reorganization of Diplomatic Telecommunications Service Program Office. <ul style="list-style-type: none"> <li>(a) Reorganization.</li> <li>(b) Purpose and duties of DTS-PO.</li> </ul>
7302.	Personnel. <ul style="list-style-type: none"> <li>(a) Establishment of position of Chief Executive Officer.</li> <li>(b) Establishment of positions of Deputy Executive Officer.</li> <li>(c) Termination of positions of Director and Deputy Director.</li> <li>(d) Employees of DTS-PO.</li> <li>(e) Staff of Federal agencies.</li> </ul>
7303.	Diplomatic Telecommunications Service Oversight Board. <ul style="list-style-type: none"> <li>(a) Oversight Board established.</li> </ul>
7304.	General provisions. <ul style="list-style-type: none"> <li>(a) Report to Congress.</li> <li>(b) Notification requirements.</li> <li>(c) Procurement authority of DTS-PO.</li> <li>(d) Definition of appropriate congressional committees of jurisdiction.</li> <li>(e) Statutory construction.</li> <li>(f) Authorization of appropriations for DTS-PO.</li> </ul>

#### § 7301. Reorganization of Diplomatic Telecommunications Service Program Office

##### (a) Reorganization

Effective 60 days after December 27, 2000, the Diplomatic Telecommunications Service Program Office (DTS-PO) established pursuant to title V of Public Law 102-140 shall be reorganized in accordance with this chapter.

##### (b) Purpose and duties of DTS-PO

The purpose and duties of DTS-PO shall be to carry out a program for the establishment and maintenance of a diplomatic telecommunications system and communications network (hereinafter in this chapter referred to as “DTS”) capable of providing multiple levels of service to meet the wide ranging needs of all United States Government agencies and departments at diplomatic facilities abroad, including national security needs for secure, reliable, and robust communications capabilities.

(Pub. L. 106-567, title III, § 321, Dec. 27, 2000, 114 Stat. 2843.)

#### REFERENCES IN TEXT

Public Law 102-140, referred to in subsec. (a), is Pub. L. 102-140, Oct. 28, 1991, 105 Stat. 782, as amended. Title

V of the Act is not classified to the Code. For complete classification of this Act to the Code, see Tables.

**TWO-YEAR SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE**

Pub. L. 107–108, title III, §311, Dec. 28, 2001, 115 Stat. 1401, as amended by Pub. L. 107–306, title III, §351, Nov. 27, 2002, 116 Stat. 2401, provided that: “Notwithstanding any provision of subtitle B [§321 et seq.] of title III of the Intelligence Authorization Act for Fiscal Year 2001 (Public Law 106–567; 114 Stat. 2843; 22 U.S.C. 7301 et seq.), relating to the reorganization of the Diplomatic Telecommunications Service Program Office, no provision of that subtitle shall be effective during the period beginning on the date of the enactment of this Act [Dec. 28, 2001] and ending on October 1, 2003.”

**REFORM OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE**

Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title III, §305], Nov. 29, 1999, 113 Stat. 1536, 1501A–435, provided that:

“(a) **ADDITIONAL RESOURCES.**—In addition to other amounts authorized to be appropriated for the purposes of the Diplomatic Telecommunications Service Program Office (DTS-PO), of the amounts made available to the Department of State under section 101(2) [113 Stat. 1501A–410], \$18,000,000 shall be made available only to the DTS-PO for enhancement of Diplomatic Telecommunications Service capabilities.

“(b) **IMPROVEMENT OF DTS-PO.**—In order for the DTS-PO to better manage a fully integrated telecommunications network to service all agencies at diplomatic missions and consular posts, the DTS-PO shall—

“(1) ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization;

“(2) not later than December 31, 1999, terminate all leases for satellite systems located at posts in criteria countries, unless all maintenance and servicing of the satellite system is undertaken by United States citizens who have received appropriate security clearances;

“(3) institute a system of charges for utilization of bandwidth by each agency beginning October 1, 2000, and institute a comprehensive chargeback system to recover all, or substantially all, of the other costs of telecommunications services provided through the Diplomatic Telecommunications Service to each agency beginning October 1, 2001;

“(4) ensure that all DTS-PO policies and procedures comply with applicable policies established by the Overseas Security Policy Board; and

“(5) maintain the allocation of the positions of Director and Deputy Director of DTS-PO as those positions were assigned as of June 1, 1999, which assignments shall pertain through fiscal year 2001, at which time such assignments shall be adjusted in the customary manner.

“(c) **REPORT ON IMPROVING MANAGEMENT.**—Not later than March 31, 2000, the Director and Deputy Director of DTS-PO shall jointly submit to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate the Director’s plan for improving network architecture, engineering, operations monitoring and control, service metrics reporting, and service provisioning, so as to achieve highly secure, reliable, and robust communications capabilities that meet the needs of both national security agencies and other United States agencies with overseas personnel.

“(d) **FUNDING OF DTS-PO.**—Funds appropriated for allocation to DTS-PO shall be made available only for DTS-PO until a comprehensive chargeback system is in place.

“(e) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term ‘appropriate committees of Congress’ means the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.”

**§ 7302. Personnel**

**(a) Establishment of position of Chief Executive Officer**

**(1) In general**

Effective 60 days after December 27, 2000, there is established the position of Chief Executive Officer of the Diplomatic Telecommunications Service Program Office (hereinafter in this chapter referred to as the “CEO”).

**(2) Qualifications**

**(A) In general**

The CEO shall be an individual who—

(i) is a communications professional;

(ii) has served in the commercial telecommunications industry for at least 7 years;

(iii) has an extensive background in communications system design, maintenance, and support and a background in organizational management; and

(iv) submits to a background investigation and possesses the necessary qualifications to obtain a security clearance required to meet the highest United States Government security standards.

**(B) Limitations**

The CEO may not be an individual who was an officer or employee of DTS-PO prior to December 27, 2000.

**(3) Appointment authority**

The CEO of DTS-PO shall be appointed by the Director of the Office of Management and Budget.

**(4) First appointment**

**(i) Deadline**

The first appointment under this subsection shall be made not later than May 1, 2001.

**(ii) Limitation on use of funds**

Of the funds available for DTS-PO on December 27, 2000, not more than 75 percent of such funds may be obligated or expended until a CEO is appointed under this subsection and assumes such position.

**(iii) May not be an officer or employee of Federal Government**

The individual first appointed as CEO under this chapter may not have been an officer or employee of the Federal government<sup>1</sup> during the 1-year period immediately preceding such appointment.

**(5) Vacancy**

In the event of a vacancy in the position of CEO or during the absence or disability of the CEO, the Director of the Office of Management

<sup>1</sup> So in original. Probably should be capitalized.

and Budget may designate an officer or employee of DTS-PO to perform the duties of the position as the acting CEO.

**(6) Authorities and duties**

**(A) In general**

The CEO shall have responsibility for day-to-day management and operations of DTS, subject to the supervision of the Diplomatic Telecommunication Service Oversight Board established under this chapter.

**(B) Specific authorities**

In carrying out the responsibility for day-to-day management and operations of DTS, the CEO shall, at a minimum, have—

- (i) final decision-making authority for implementing DTS policy; and
- (ii) final decision-making authority for managing all communications technology and security upgrades to satisfy DTS user requirements.

**(C) Certification regarding security**

The CEO shall certify to the appropriate congressional committees that the operational and communications security requirements and practices of DTS conform to the highest security requirements and practices required by any agency utilizing the DTS.

**(D) Reports to Congress**

**(i) Semiannual reports**

Except as provided in clause (ii), beginning on August 1, 2001, and every 6 months thereafter, the CEO shall submit to the appropriate congressional committees of jurisdiction a report regarding the activities of DTS-PO during the preceding 6 months, the current capabilities of DTS-PO, and the priorities of DTS-PO for the subsequent 6-month period. Each report shall include a discussion about any administrative, budgetary, or management issues that hinder the ability of DTS-PO to fulfill its mandate.

**(ii) Submittal date of reports to congressional intelligence committees**

In the case of reports required to be submitted under clause (i) to the congressional intelligence committees (as defined in section 401a of title 50), the submittal dates for such reports shall be as provided in section 415b of title 50.

**(iii) Other reports**

In addition to the reports required by clause (i), the CEO shall keep the appropriate congressional committees of jurisdiction fully and currently informed with regard to DTS-PO activities, particularly with regard to any significant security infractions or major outages in the DTS.

**(b) Establishment of positions of Deputy Executive Officer**

**(1) In general**

There shall be two Deputy Executive Officers of the Diplomatic Telecommunications Service Program Office, each to be appointed by the President.

**(2) Duties**

The Deputy Executive Officers shall perform such duties as the CEO may require.

**(c) Termination of positions of Director and Deputy Director**

Effective upon the first appointment of a CEO pursuant to subsection (a) of this section, the positions of Director and Deputy Director of DTS-PO shall terminate.

**(d) Employees of DTS-PO**

**(1) In general**

DTS-PO is authorized to have the following employees: a CEO established under subsection (a) of this section, two Deputy Executive Officers established under subsection (b) of this section, and not more than four other employees.

**(2) Applicability of certain civil service laws**

The CEO and other officers and employees of DTS-PO may be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

**(3) Authority of Director of OMB to prescribe pay of employees**

The Director of the Office of Management and Budget shall prescribe the rates of basic pay for positions to which employees are appointed under this section on the basis of their unique qualifications.

**(e) Staff of Federal agencies**

**(1) In general**

Upon request of the CEO, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to DTS-PO to assist it in carrying out its duties under this chapter.

**(2) Continuation of service**

An employee of a Federal department or agency who was performing services on behalf of DTS-PO prior to the effective date of the reorganization under this chapter shall continue to be detailed to DTS-PO after that date, upon request.

(Pub. L. 106-567, title III, § 322, Dec. 27, 2000, 114 Stat. 2843; Pub. L. 107-306, title VIII, § 811(b)(5)(E), Nov. 27, 2002, 116 Stat. 2425.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (d)(2), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

2002—Subsec. (a)(6)(D)(i). Pub. L. 107-306, § 811(b)(5)(E)(i), substituted “Except as provided in clause (ii), beginning on” for “Beginning on”.

Subsec. (a)(6)(D)(ii). Pub. L. 107-306, § 811(b)(5)(E)(ii), (iii), added cl. (ii). Former cl. (ii) redesignated (iii).

Subsec. (a)(6)(D)(iii). Pub. L. 107-306, § 811(b)(5)(E)(iii), (iv), redesignated cl. (ii) as (iii) and substituted “reports required” for “report required”.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 section 415b.

### § 7303. Diplomatic Telecommunications Service Oversight Board

#### (a)<sup>1</sup> Oversight Board established

##### (1) In general

There is hereby established the Diplomatic Telecommunications Service Oversight Board (hereinafter in this chapter referred to as the “Board”) as an instrumentality of the United States with the powers and authorities herein provided.

##### (2) Status

The Board shall oversee and monitor the operations of DTS-PO and shall be accountable for the duties assigned to DTS-PO under this chapter.

##### (3) Membership

###### (A) In general

The Board shall consist of three members as follows:

- (i) The Deputy Director of the Office of Management and Budget.
- (ii) Two members to be appointed by the President.

###### (B) Chairperson

The chairperson of the Board shall be the Deputy Director of the Office of Management and Budget.

###### (C) Terms

Members of the Board appointed by the President shall serve at the pleasure of the President.

###### (D) Quorum required

A quorum shall consist of all members of the Board and all decisions of the Board shall require a majority vote.

##### (4) Prohibition on compensation

Members of the Board may not receive additional pay, allowances, or benefits by reason of their service on the Board.

##### (5) Duties and authorities

The Board shall have the following duties and authorities with respect to DTS-PO:

- (A) To review and approve overall strategies, policies, and goals established by DTS-PO for its activities.
- (B) To review and approve financial plans, budgets, and periodic financing requests developed by DTS-PO.
- (C) To review the overall performance of DTS-PO on a periodic basis, including its work, management activities, and internal controls, and the performance of DTS-PO relative to approved budget plans.
- (D) To require from DTS-PO any reports, documents, and records the Board considers necessary to carry out its oversight responsibilities.
- (E) To evaluate audits of DTS-PO.

##### (6) Limitation on authority

The CEO shall have the authority, without any prior review or approval by the Board, to

make such determinations as the CEO considers appropriate and take such actions as the CEO considers appropriate with respect to the day-to-day management and operation of DTS-PO and to carry out the reforms of DTS-PO authorized by section 305 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 305 of appendix G of Public Law 106–113).

(Pub. L. 106–567, title III, §323, Dec. 27, 2000, 114 Stat. 2845.)

## REFERENCES IN TEXT

Section 305 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, referred to in subsec. (a)(6), is section 1000(a)(7) [div. A, title III, §305] of div. B of Pub. L. 106–113, which is set out as a note under section 7301 of this title.

### § 7304. General provisions

#### (a) Report to Congress

Not later than March 1, 2001, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees of jurisdiction a report which includes the following elements with respect to DTS-PO:

- (1) Clarification of the process for the CEO to report to the Board.
- (2) Details of the CEO’s duties and responsibilities.
- (3) Details of the compensation package for the CEO and other employees of DTS-PO.
- (4) Recommendations to the Overseas Security Policy Board (OSPB) for updates.
- (5) Security standards for information technology.
- (6) The upgrade precedence plan for overseas posts with national security interests.
- (7) A spending plan for the additional funds provided for the operation and improvement of DTS for fiscal year 2001.

#### (b) Notification requirements

The notification requirements of sections 413a and 415 of title 50 shall apply to DTS-PO and the Board.

#### (c) Procurement authority of DTS-PO

The procurement authorities of any of the users of DTS shall be available to the DTS-PO.

#### (d) Definition of appropriate congressional committees of jurisdiction

As used in this chapter, the term “appropriate congressional committees of jurisdiction” means the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

#### (e) Statutory construction

Nothing in this chapter shall be construed to negate or to reduce the statutory obligations of any United States department or agency head.

#### (f) Authorization of appropriations for DTS-PO

For each of the fiscal years 2002 through 2006, there are authorized to be appropriated directly

<sup>1</sup> So in original. Section enacted without a subsec. (b).